

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRENT AMOROSO, HENRY CANALI, SCOTT CHISMAR,
VERGILIO GIARDINI, STEVE ST. GEORGE, DAVID HAINES,
RICHARD JOSLYN, CLEM ROSSI, ANDREW SCALISE, and
BRADLEY WALTERS, as Trustees of the Southern Tier
Building Trades Welfare Plan,

ORDER

LUBETH GREENE, as Fund Administrator of the
LABORERS NATIONAL PENSION FUND, and

05-CV-472S

LABORERS INTERNATIONAL UNION OF NORTH
AMERICA, LOCAL UNION NO. 621,

Plaintiffs,

vs.

C. A. BETTS & SON MASONRY, INC.,

Defendant.

Plaintiffs, Brent Amoroso, Henry Canali, Scott Chismar, Vergilio Giardini, Steve St. George, David Haines, Richard Joslyn, Clem Rossi, Andrew Scalise, and Bradley Walters, as Trustees of the Southern Tier Building Trades Welfare Plan; Lubeth Greene, as Fund Administrator of the Laborers National Pension Fund; and Laborers International Union of North America, Local Union No. 621 (collectively, "Plaintiffs"), having applied to this Court, pursuant to Federal Rules of Civil Procedure 55 and 56, for default judgment in favor of Plaintiffs and against the Defendant, C. A. Betts & Son Masonry, Inc., and for an Order amending the caption of this action to remove Steve St. George as a plaintiff and to add Gary Aberhorn as a plaintiff,

NOW, upon considering the Affidavit of Ellie Munson, sworn to on the 9th day of March, 2006, together with the exhibits annexed thereto, the Affidavit of Lubeth Greene, sworn to on the 8th day of March, 2006, the Affidavit of Donald Giardini, sworn to on the 28th day of March, the Affidavit of Robert F. Pizzo, Esq., sworn to on the 31st day of March, 2006, together with the exhibits annexed thereto, and the Affidavit of Mark A. Costello, Esq., sworn to on the 6th day of April, 2006, together with the exhibits annexed thereto, all submitted in support of the Plaintiffs' motion, and upon all of the pleadings and proceedings herein, and due deliberation having been had, it is

ORDERED, ADJUDGED AND DECREED that the caption of this action be amended to remove Steve St. George as a plaintiff and to add Gary Aberhorn as a plaintiff; and it is further

ORDERED, ADJUDGED AND DECREED that default judgment be entered in favor of Brent Amoroso, Henry Canali, Scott Chismar, Vergilio Giardini, David Haines, Richard Joslyn, Clem Rossi, Andrew Scalise, Bradley Walters and Gary Aberhorn, as Trustees of the Southern Tier Building Trades Welfare Plan, having a place of business located at 202 W. Fourth Street, Jamestown, New York 14701, and against C. A. Betts & Son Masonry, Inc., having a place of business located at 8393 Hardscrabble Road, Westfield, New York 14787, for unpaid ERISA Contributions in the amount of \$4,071.60, accrued interest on the unpaid ERISA Contributions from December 10, 2004 through May 1, 2006 in the amount of \$339.34, liquidated damages equal to accrued interest in the amount of \$339.34, and attorneys' fees and costs in the amount of \$2,641.80, for a

total of \$7,392.08; and it is further

ORDERED, ADJUDGED AND DECREED that default judgment be entered in favor of Lubeth Greene, as Fund Administrator of the Laborers National Pension Fund, having a place of business located at 14140 Midway Road, Suite 105, Dallas, Texas 75244, and against C. A. Betts & Son Masonry, Inc., having a place of business located at 8393 Hardscrabble Road, Westfield, New York 14787, for unpaid ERISA Contributions in the amount of \$947.70, accrued interest on the unpaid ERISA Contributions from December 10, 2004 through May 1, 2006 in the amount of \$78.94, and liquidated damages equal to accrued interest in the amount of \$78.94, for a total of \$1,105.58; and it is further

ORDERED, ADJUDGED AND DECREED that default judgment be entered in favor of Laborers International Union of North America, Local Union No. 621, having a place of business located at 1521 North Union Street, Olean, New York 14760, and against C. A. Betts & Son Masonry, Inc., having a place of business located at 8393 Hardscrabble Road, Westfield, New York 14787, for unpaid LMRA Monies in the amount of \$814.77 and accrued interest on the unpaid LMRA Monies from December 10, 2004 through May 1, 2006 in the amount of \$67.89, for a total of \$882.66.

FURTHER, that the Clerk of the Court shall enter judgments as set forth above.

FURTHER, that the Clerk of the Court shall close this case.

SO ORDERED.

Dated: May 2, 2006
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge